

REMARKS

Claims 145-148 are copied substantially verbatim from U.S. Patent No. 6,427,140, granted July 30, 2002, to Ginter et al. (hereinafter "Ginter '140). Claims 145, 146, 147, and 148 correspond to Ginter '140 claims 1, 10, 24, and 29, respectively.

Claim 149 is copied substantially verbatim from U.S. Patent No. 6,389,402, granted May 14, 2002, to Ginter et al. (hereinafter "Ginter '402). Claim 149 corresponds to Ginter '402 claim 1.

Claim 150 is copied substantially verbatim from U.S. Patent No. 6,363,488, granted March 26, 2002, to Ginter et al. (hereinafter "Ginter '488). Claim 150 corresponds to Ginter '488 claim 1.

In accordance with 37 C.F.R. § 1.607(a), the copied claim may be specifically applied to Applicants' disclosure as follows:

<p align="center">Claim From InterTrust Issued Patent</p> <p align="center">(Ginter et al., U.S. Pat. No. 6,427,140)</p>	<p align="center">Applicants' Disclosure In Appl. No. 09/321,386</p> <p align="center">(MDNA1.C2.US) (M-15081US)</p>
<p>145. A method for automated negotiation, including the following steps:</p>	<p>Applicants disclose an automated transaction negotiation. (p.26-27).</p>
<p>creating a first rule set at a first site, the first rule set designed to participate in an automatic negotiation with a second rule set;</p>	<p>Applicants disclose a seller that creates control data, e.g. kind of stock, price, quantity (i.e., a first rule set) on the seller's data processor (i.e., a first site) to participate in a negotiation with a buyer's control data (i.e., a second rule set). The rules or conditions for buying and selling stocks are indicated in the control data. (p.26).</p>
<p>transmitting the first rule set from the first site to a second site,</p>	<p>Applicants disclose that the sell order package containing the seller's control data (i.e., the first rule set) is transferred from the seller's data processor (i.e., the first site) to the data processor of the stock trading company (i.e., a second site), where it is received and stored in the memory. (p.26, ll.25-27).</p>
<p>at the second site, performing an automated negotiating process including:</p>	<p>Applicants disclose performing automated negotiations at the data processor of the stock trading company (i.e., the second site). (p.27, ll.3-4).</p>
<p>comparing information present in or specified by the first rule set to a first requirement specified by a second rule set present at the second site;</p>	<p>Applicants disclose that the control data of the sell (i.e., first rule set) and buy (i.e., second rule set) order packages are examined and matched (i.e., information from rule sets are compared) by the user program of the stock trading company (i.e., at the second site). (p.26, ll.27-29).</p>
<p>if the comparison results in a first outcome, carrying out a first action, the first action including:</p>	<p>Applicants disclose that upon identifying matched buy and sell orders (i.e., comparison results in a first outcome), the user program executes a transaction (i.e., a first action). (p.26, ll.29-30).</p>

creating a secure container consisting of protected content and having an associated third rule set, the third rule set being created as a result of an interaction between the first rule set and the second rule set;	<ul style="list-style-type: none"> Applicants disclose that the user program executes a transaction, whereby the digital money (i.e., protected content) is extracted from the buy order data package and transferred to the sell order package. Then the control data of the sell order data package is updated (i.e., to create a third rule set) and repackaged (i.e., to create a secure container) after the matching of buy and sell orders (i.e., as a result of an interaction between the first rule set and the second rule set). (p.26, l.29-p.27, l.2).
transmitting the secure container from the second site to the first site; and	Applicants disclose that the new sell order package containing the digital money (i.e., the secure container) is transferred from the data processor of the stock trading company (i.e., the second site) back to the seller's data processor (i.e., the first site). (p.27, ll.1-2).
using a rule from the third rule set to govern an aspect of access to or use of the protected content; and	Applicants disclose that control data (i.e., the third rule set) controls access to and the usage of the data object (i.e., the protected content). (p.10, ll.12-13; p.19, ll.20-25).
if the comparison results in a second outcome, carrying a second action, which is different in at least one respect from the first action.	<ul style="list-style-type: none"> Applicants disclose that upon identifying matched buy and sell orders the user program executes a transaction. It is at least inherent that without a match, no transaction takes place (i.e., a second action, which is different in at least one respect from the first action). Compare to Ginter '140, col.246, l.38-col.247, l.38 (disclosing different types of negotiation to form an electronic contract, including a demand by one party to form an "adhesion" type contract and more complex forms of negotiation analogous to "haggling."

Claim From InterTrust Issued Patent (Ginter et al., U.S. Pat. No. 6,427,140)	Applicants' Disclosure In Appl. No. 09/321,386 (MDNA1.C2.US) (M-15081US)
146. A method for automated negotiation, including the following steps:	<i>See Claim 145 above.</i>
creating a first rule set at a first site;	<ul style="list-style-type: none"> • <i>See Claim 145 above.</i> • Seller's data processor is disclosed as a "first site."
creating a second rule set at a second site;	<ul style="list-style-type: none"> • <i>See Claim 145 above.</i> • Buyer's data processor is disclosed as a "second site."
transmitting the first rule set from the first site to a third site;	<ul style="list-style-type: none"> • <i>See Claim 145 above.</i> • Stock trading company's data processor is disclosed as a "third site."
transmitting the second rule set to the third site;	<i>See Claim 145 above.</i>
at the third site, performing the following steps:	<i>See Claim 145 above.</i>
comparing a requirement specified by the first rule set to a requirement specified by the second rule set and determining that the requirements are consistent;	<i>See Claim 145 above.</i>

<p>based at least in part on the results of the comparison, creating a third rule set, the third rule set including at least one rule specified at least in part by the first rule set and the second rule set;</p>	<ul style="list-style-type: none"> • See Claim 145 above regarding “third rule set.” • Applicants disclose that control data is updated to provide an audit trail by reflecting the author/user(broker) or seller/buyer relationships. (p.16, ll.26-29). In other words, the updated control data is a third rule set that includes “at least one rule specified at least in part by the first rule set and the second rule set.” • Furthermore, Applicants disclose composite objects and a combining usage action: a content owner may want to sell composite objects with different rules governing each constituent object (p.2, ll.24-26; p.24, ll.20-22), and a new data object can be created by a combination of data objects with control data linking the constituent data objects and each constituent data object retaining its original control data. (p.24, ll.28-31). When a user requests authorization for usage of one constituent data object in a composite data object, a user set of control data is created only for that constituent data object and packaged only with a copy of that constituent data object. (p.25, ll.1-3). • Thus, it is at least inherent that composite sell or buy order data packages could be used for combinations between the data packages to create a third data package containing a “third rule set including at least one rule specified at least in part by the first rule set and the second rule set.”
<p>associating the third rule set with a secure container;</p>	<p>See Claim 145 above.</p>
<p>encapsulating protected content into the secure container; and</p>	<p>See Claim 145 above.</p>

transmitting the secure container to the
first site.

See Claim 145 above.

<p align="center">Claim From InterTrust Issued Patent</p> <p align="center">(Ginter et al., U.S. Pat. No. 6,427,140)</p>	<p align="center">Applicants' Disclosure In Appl. No. 09/321,386</p> <p align="center">(MDNA1.C2.US) (M-15081US)</p>
<p>147. A method for automated negotiation including the following steps:</p>	<p><i>See Claims 145-146 above.</i></p>
<p>generating a first rule set including a first rule from a first party which owns or at least in part controls governed content and a second rule from a second party which constitutes or includes a clearinghouse;</p>	<ul style="list-style-type: none"> • <i>See Claims 145-146 above.</i> • Applicants disclose a content author as a party which owns or at least in part controls governed content and generates a first control data (i.e., a first party). • Applicants disclose an "agent (broker)" or "distributor". It is at least inherent that an "agent (broker)" includes a "clearinghouse." • Applicants disclose that a broker may apply his own usage conditions (i.e., a second rule from a second party) to a data packaging program by adding further control data which is relevant to his business activities in addition to the author's control data (i.e., a first rule from a first party). (p.8, ll.13-17). Thus, a data package may include a first rule set of control data from multiple parties, including from the content author (i.e., a first party) and the broker (i.e., a second party). • Furthermore, Applicants disclose a sell order package including control data (i.e., a first rule from a first party) is sent to a stock trading company, similar to a clearinghouse, which may add its own rules (i.e., a second rule from a second party) to make a first rule set.
<p>incorporating the governed content into a secure container;</p>	<p><i>See Claims 145-146 above.</i></p>
<p>storing the first rule set at a first site;</p>	<p>Applicants disclose a broker's data processor as a first site.</p>

transmitting a second rule set from a second site to the first site, the second rule set including a third rule from a third party;	<ul style="list-style-type: none"> • Applicants disclose a buyer's request (i.e., a third rule from a third party), which may be transmitted from the buyer's data processor (i.e., a second site) to the broker's data processor (i.e., the first site). • Furthermore, Applicants disclose a buy order package (i.e., a second rule set including a third rule from a third party).
comparing at least a portion of the first rule set to at least a portion of the second rule set; and	<i>See Claims 145-146 above.</i>
based on the results of the comparison, providing access to the secure container to the third party.	<i>See Claims 145-146 above.</i>

Claim From InterTrust Issued Patent (Ginter et al., U.S. Pat. No. 6,427,140)	Applicants' Disclosure In Appl. No. 09/321,386 (MDNA1.C2.US) (M-15081US)
148. A method of automated negotiation including:	<i>See Claims 145-147 above.</i>
creating a first rule set representing a negotiating position of a first party;	<i>See Claims 145-147 above.</i>
incorporating the first rule set into a first secure container;	Applicants disclose a seller (i.e., a first party) that incorporates associated control data, e.g. kind of stock, price, quantity (i.e., a first rule set) into a secure package (i.e., a first secure container). (p.26, ll.21-24)
creating a second rule set representing a negotiating position of a second party;	<i>See Claims 145-147 above.</i>
incorporating the second rule set into a second secure container;	Applicants disclose a buyer (i.e., a second party) that incorporates associated control data, e.g. kind of stock, price, quantity (i.e., a second rule set) into a secure package (i.e., a second secure container). (p.26, ll.21-24)
selecting a negotiation site associated with a third party;	<ul style="list-style-type: none"> • <i>See Claims 145-147 above.</i> • The stock trading company's data processor is disclosed as a "negotiation site associated with a third party."
transmitting the first and the second secure containers to the negotiation site;	Applicants disclose that the sell and buy order packages (i.e., the first and the second secure containers) are transferred to the data processor of the stock trading company (i.e., the negotiation site), where they are received and stored in the memory. (p.26, ll.25-27).

at the negotiation site, comparing an attribute of the first rule set to an attribute of the second rule set to determine whether the attributes are compatible and, depending on the results of the comparison, determining that the negotiation has succeeded, determining that the negotiation has failed, or determining that an additional comparison is required;	<ul style="list-style-type: none"> • See Claims 145-147 above regarding “a first action” and “a second action” (i.e., determining that the negotiation has succeeded or failed). • Applicants disclosure of automated “negotiation” at least inherently includes “determining that an additional comparison is required.”
if the negotiation has succeeded, transmitting a third secure container to the first party, the third secure container containing governed content;	<ul style="list-style-type: none"> • Applicants disclose that the user program executes a transaction upon identifying matched sell and buy orders, (i.e., if the negotiation has succeeded), whereby the digital money (i.e., governed content) is extracted from the buy order data package and transferred to the sell order package. • The control data of the sell order data package is updated and repackaged and sent back to the seller’s data processor (i.e., a third secure container is created and transmitted to the first party). (p.26, 1.29-p.27, 1.2).
if the negotiation has failed, informing both parties of the failure, and not transmitting the third secure container to the first party; and	<ul style="list-style-type: none"> • Applicants disclose that an audit trail is made by informing the parties of a match and that a third secure data package is transmitted upon the match. (p.26-27). • Thus, it is at least inherent that the parties could be informed of a non-match (i.e., informing parties of the failure) or that no return of the data packages is “informing both parties of the failure.”
if an additional comparison is required, performing that comparison, and repeating until the negotiation either succeeds or fails.	Applicants disclosure of a “negotiation” process involving the matching of two sets of rules or conditions at a stock trading company at least inherently includes “repeating until the negotiation either succeeds or fails.”

<p align="center">Claim From InterTrust Issued Patent</p> <p align="center">(Ginter et al., U.S. Pat. No. 6,389,402)</p>	<p align="center">Applicants' Disclosure In Appl. No. 09/321,386</p> <p align="center">(MDNA1.C2.US) (M-15081US)</p>
<p>149. A method including:</p>	<p>Applicants disclose a method.</p>
<p>creating a first secure container including a first governed item and having associated a first control;</p>	<ul style="list-style-type: none"> • Applicants disclose a seller that creates a secure package (i.e., a first secure container) comprising an empty data file (i.e., a first governed item) and associated control data, e.g. kind of stock, price, quantity (i.e., a first control). (p.26, ll.21-24). • Furthermore, Applicants disclose a content author that creates a data package (i.e., a first secure container) including a data object (i.e., a first governed item) and associated control data (i.e., a first control). <i>See Claims 145-148 above.</i>
<p>creating a second secure container including a second governed item and having associated a second control;</p>	<ul style="list-style-type: none"> • Applicants disclose a buyer that creates a secure package (i.e., a second secure container) comprising a digital money data file (i.e., a second governed item) and associated control data, e.g. kind of stock, price, quantity (i.e., a second control). (p.26, ll.17-20). • <i>See above regarding "content author that creates a data package."</i> • <i>See Claims 145-148 above.</i>

<p>transferring the first secure container from a first location to a second location;</p>	<ul style="list-style-type: none"> • Applicants disclose that the sell order package (i.e., the first secure container) is transferred from the seller's data processor (i.e., a first location) to the data processor of the stock trading company (i.e., a second location), where it is received and stored in the memory. (p.26, ll.25-27). • Furthermore, Applicants disclose a content author may transfer the author's data package to a broker (i.e., a second location). <i>See Claims 145-148 above.</i>
<p>transferring the second secure container from a third location to the second location;</p>	<ul style="list-style-type: none"> • Applicants disclose that the buy order package (i.e., the second secure container) is transferred from the buyer's data processor (i.e., a third location) to the data processor of the stock trading company (i.e., a second location), where it is received and stored in the memory. (p.26, ll.25-27). • Furthermore, Applicants disclose a content author may transfer the author's data package to a broker (i.e., the second location). <i>See Claims 145-148 above.</i>
<p>at the second location, obtaining access to at least a portion of the first governed item, the access being governed at least in part by the first control;</p>	<ul style="list-style-type: none"> • Applicants disclose that the user program of the stock trading company (i.e., at the second location) examines the control data of the sell order package (i.e., the first control) and looks for a match. Upon identifying matched buy and sell orders, the user program executes a transaction, whereby the digital money is extracted from the buy order data package and transferred to the sell order package (i.e., access is obtained to at least a portion of the first governed item). (p.26, ll.27-31). • Furthermore, Applicants disclose a broker obtaining access to at least a portion of the content from the authors with access being controlled by control data. (p.8, ll.9-17).

at the second location, obtaining access to at least a portion of the second governed item, the access being governed at least in part by the second control;

- Applicants disclose that the user program of the stock trading company (i.e., at the second location) examines the control data of the buy order package (i.e., the second control) and looks for a match. Upon identifying matched buy and sell orders, the user program executes a transaction, whereby the digital money is extracted from the buy order data package (i.e., access is obtained to at least a portion of the second governed item) and transferred to the sell order package. (p.26, ll.27-31).
- Furthermore, Applicants disclose a broker obtaining access to at least a portion of the content from the authors with access being controlled by control data. (p.8, ll.9-17).

at the second location, creating a third secure container including at least a portion of the first governed item and at least a portion of the second governed item and having associated at least one control, the creation being governed at least in part by the first control and the second control.

- Applicants disclose that the user program (i.e., at the second location) executes a transaction upon identifying matched sell and buy orders, (i.e., being governed at least in part by the first control and the second control), whereby the digital money (i.e., at least a portion of the second governed item) is extracted from the buy order data package, transferred to the sell order package (i.e., at least a portion of the first governed item), and the control data of the sell order data package is updated (i.e., at least one control) and repackaged (i.e., a third secure container is created). (p.26, l.29-p.27, l.2).
- Furthermore, Applicants disclose composite objects and a combining usage action: a content owner or broker may want to sell composite objects with different rules governing each constituent object (p.2, ll.24-26; p.24, ll.20-22), and a new data object can be created by a combination of data objects with control data linking the constituent data objects. (p.24, ll.28-31). When a user requests authorization for usage of one constituent data object in a composite data object, a user set of control data is created only for that constituent data object and packaged only with a copy of that constituent data object. (p.25, ll.1-3).
- Thus, it is at least inherent that composite sell or buy order data packages could be used for combinations between the data packages to create a third data package (i.e., a third secure container). Also, Applicants disclose a broker selling composite objects (i.e., a third secure container).

<p align="center">Claim From InterTrust Issued Patent</p> <p align="center">(Ginter et al., U.S. Pat. No. 6,363,488)</p>	<p align="center">Applicants' Disclosure In Appl. No. 09/321,386</p> <p align="center">(MDNA1.C2.US) (M-15081US)</p>
<p>150. A method of using a resource including the following steps:</p>	<ul style="list-style-type: none"> • Applicants disclose a method of distributing a data object, which includes books, films, video, news, music, software, games, etc. (i.e., a resource). (p.2, ll.2-3). • Compare to Ginter '488, col.7, ll.49-61 (A resource refers to information that may be distributed, such as software programming resources and reference/record keeping information resources (such as business, medical, legal, scientific, governmental, and consumer databases)).
<p>receiving the resource at a first computing environment;</p>	<ul style="list-style-type: none"> • In a first example, Applicants disclose distributing a data object (i.e., resource) by a broker or electronic bulletin board (i.e., a first computing environment). (p.14, l.25-p.16, l.29; p.20, ll.9-10). • In a second example, Applicants disclose a data package including content (i.e., resource) is received by a user's data processor (i.e., a first computing environment). • In a third example, Applicants disclose computer automated stock trading with buy and sell orders containing digital money (i.e., resource) at a stock trading company (i.e., a first computing environment). (p.26).

<p>receiving a first control or control set at the first secure computing environment;</p>	<ul style="list-style-type: none"> • In the first example and second examples, Applicants disclose the content author and/or broker may package the data object with corresponding usage conditions or control data (i.e., first control or control set). (p.8, ll.9-17). • In the third example, Applicants disclose a sell order with control data, e.g., kind of stock, price, quantity (i.e., first control or control set). (p.26).
<p>receiving a second control or control set at the first secure computing environment;</p>	<ul style="list-style-type: none"> • In the first example, Applicants disclose that when a request for authorization for usage is received, a user set of control data (i.e., second control or control set) is created by the data provider's processor. (p.4, l.31-p.5, l.1; p.15, ll.4-5). • In the first and second examples, Applicants disclose variable and extensible object control in which variation of object control (i.e., a second control or control set) can be applied to a particular object by creating a control data format with control elements defining the control variation and the circumstances in which the variation is applied. (p.23, ll.5-14). • In the third example, Applicants disclose a buy order with control data, e.g., kind of stock, price, quantity (i.e., second control or control set). (p.26).

evaluating an auditing-related aspect of the first control or control set and the second control or control set, including evaluating a privacy-related aspect of the first control or control set and the second control or control set;

- In the first example, Applicants disclose that a data program compares (i.e., evaluates) a usage request from a user (i.e., second control or control set) with the usage control elements of the control data of the data object (i.e., first control or control set) to see if the usage request complies with the predetermined conditions for usage indicated therein. The comparison may include comparing the user type, the usage type, the number of usages, the price, identification, billing address, etc. (i.e., auditing-related aspect and privacy-related aspect) (p.15, ll.6-10; p.20, ll.25-28).
- In the second example, Applicants disclose evaluating control variation and the circumstances in which the variation is applied. (p.23, ll.5-14).
- In the third example, Applicants disclose the user program of the stock trading company examines the control data of the buy and sell order packages and looks for a match (i.e., evaluates the first and second controls or control sets). (p.26).
- Compare Ginter '488, col.247, ll.9-33 (In a scenario for purchasing information in which the price paid depends on the amount of information about the user that is returned along with a usage audit trail, content users can evaluate the amount of privacy-related information provided to the content provider) and Ginter '488, col.43, ll.63-67 (A user might require a method that summarizes usage information for reporting to a clearinghouse (e.g. billing information) in a way that does not convey confidential, personal information regarding detailed usage behavior).

choosing between the first control or control set and the second control or control set, the choice being based at least in part on the evaluation; and

- In the first example, Applicants disclose that if the requested usage complies with the predetermined conditions (i.e., choice is based at least in part on the evaluation) the authorization is granted (i.e., second control or control set chosen), otherwise it is rejected (i.e., first control or control set chosen).
- In the second example, Applicants disclose a choice between control variations based upon evaluation of circumstances (p.23, ll.5-14).
- In the third example, Applicants disclose that upon identifying matched buy and sell order the user program executes a transaction (i.e., chooses between the first control or control set and the second control or control set). (p.26).
- Compare to Ginter '488, col.294, ll.19-27 (End users may transmit permissions and/or other control information to the repository permitting and/or denying access to usage information collected by the audit system for use by the analysis system).
- Compare to Ginter '488, col.247, ll.12-18 (The right to use the content may be associated with two control sets. One control set may describe a fixed ("higher") price for using the content. Another control set may describe a fixed ("lower") price for using the content with additional control information and field specifications requiring collection and return of the user's personal information).
- Compare to Ginter '488, col.248, ll.13-18 (The content creator may "prefer" one of the two control sets over the other one. If so, the preferred control set may be "offered" first in the negotiation process, and withdrawn in favor of the non-preferred control set if the other party to the negotiation "rejects" the preferred control set).

reporting auditing-related information relating to the access to or use of the resource to a second computing environment.

- In the first example, it is inherent that a broker/agent provides a two-way conduit for rights and audit data between content creators and content users.
- In the second example, Applicants disclose that one level of security for a broker may be to require on-line confirmation when loading a data object to the user's data processor to permit the broker to check that the object has not already been loaded as well as to double check all other parameters (i.e., audit report). (p.23, l.29-p.24, l.2).
- In the third example, Applicants disclose that the control data of both the buy and sell order packages are updated to provide an audit trail after the transaction and transferred back to their authors (i.e., information relating to the access to or use of the resource is reported to a second computing environment). (p.26-27).
- Compare to Ginter '488, col.293, ll.26-32 (Audit information related to usage of content can be processed and passed to a billing system and/or transmitted to appropriate content authors).

Pursuant to 37 C.F.R. §1.607(a)(2), Applicants propose at this time that each of the claims being copied be deemed a count for the purposes of provoking an interference. However, we reserve the right to alter the counts if necessary.

The present application was filed on May 27, 1999 as a continuation of U.S. Patent Application No. 09/164,606, filed October 1, 1998, which in turn claimed priority to U.S. Patent Application No. 08/594,811, filed on January 31, 1996, now U.S. Patent No. 5,845,281, which in turn claimed priority to Swedish Application No. 9500355-4, filed on February 1, 1995. The present application is based on substantially the same disclosure as U.S. Patent Application No. 08/594,811, now U.S. Patent No. 5,845,281, which contained substantially the same disclosure as in Swedish Application No. 9500355-4. Thus, Claims 145-150 are supported by the disclosure of Swedish Application No. 9500355-4 and is entitled to a priority date of February 1, 1995.

The aforementioned added Claims 145-148 are copied from U.S. Patent No. 6,427,140, issued to Ginter et al. on July 30, 2002 as a continuation of U.S. Patent Application No. 08/778,256, filed on January 8, 1997, now U.S. Patent No. 5,949,876, which is a division of U.S. Patent Application No. 08/388,107, filed on February 13, 1995, now abandoned. Thus, because the present application has a priority date earlier than the priority date of the patentee, Applicants allege that based at least upon priority of invention, Applicants are entitled to a judgment relative to the patentee of Ginter '140.

35 U.S.C. § 135(b)(1) does not bar this amendment because the amendment is being filed within twelve months of the issuance date of the target patent, July 30, 2002.

The aforementioned added Claim 149 is copied from U.S. Patent No. 6,389,402, issued to Ginter et al. on May 14, 2002 as a continuation of U.S. Patent Application No. 08/964,333, filed on November 4, 1997, now U.S. Patent No. 5,982,891, which is a continuation of U.S. Patent Application No. 08/388,107, filed on February 13, 1995, now abandoned. Thus, because the present application has a priority date earlier than the priority date of the patentee, Applicants allege that based at least upon priority of invention, Applicants are entitled to a judgment relative to the patentee of Ginter '402.

35 U.S.C. § 135(b)(1) does not bar this amendment because the amendment is being filed within twelve months of the issuance date of the target patent, May 14, 2002.

The aforementioned added Claim 150 is copied from U.S. Patent No. 6,363,488, issued to Ginter et al. on March 26, 2002 as a continuation of U.S. Patent Application No. 08/760,440, filed on December 4, 1996, now U.S. Patent No. 5,910,987, which is a continuation of U.S. Patent Application No. 08/388,107, filed on February 13, 1995, now abandoned. Thus, because the present application has a priority date earlier than the priority date of the patentee, Applicants allege that based at least upon priority of invention, Applicants are entitled to a judgment relative to the patentee of Ginter '488.

35 U.S.C. § 135(b)(1) does not bar this amendment because the amendment is being filed within twelve months of the issuance date of the target patent, March 26, 2002.

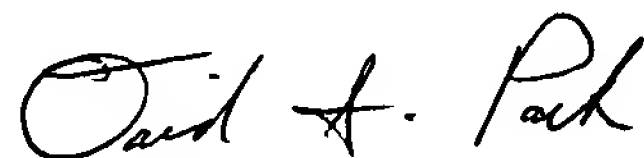
CONCLUSION

Accordingly, Applicants respectfully request that an interference be declared between the present Applicants and inventors of the aforementioned patents. If there are any questions, please do not hesitate to call the undersigned at (949) 752-7040.

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Respectfully submitted,



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